

SSB 6037 - H AMD 489

By Representative Simpson

ADOPTED 04/13/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.70A.070 and 2004 c 196 s 1 are each amended to
4 read as follows:

5 The comprehensive plan of a county or city that is required or
6 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
7 and descriptive text covering objectives, principles, and standards
8 used to develop the comprehensive plan. The plan shall be an
9 internally consistent document and all elements shall be consistent
10 with the future land use map. A comprehensive plan shall be adopted
11 and amended with public participation as provided in RCW 36.70A.140.

12 Each comprehensive plan shall include a plan, scheme, or design for
13 each of the following:

14 (1) A land use element designating the proposed general
15 distribution and general location and extent of the uses of land, where
16 appropriate, for agriculture, timber production, housing, commerce,
17 industry, recreation, open spaces, general aviation airports, public
18 utilities, public facilities, and other land uses. The land use
19 element shall include population densities, building intensities, and
20 estimates of future population growth. The land use element shall
21 provide for protection of the quality and quantity of ground water used
22 for public water supplies. Where applicable, the land use element
23 shall review drainage, flooding, and storm water run-off in the area
24 and nearby jurisdictions and provide guidance for corrective actions to
25 mitigate or cleanse those discharges that pollute waters of the state,
26 including Puget Sound or waters entering Puget Sound.

27 (2) A housing element ensuring the vitality and character of
28 established residential neighborhoods that: (a) Includes an inventory
29 and analysis of existing and projected housing needs that identifies
30 the number of housing units necessary to manage projected growth; (b)

1 includes a statement of goals, policies, objectives, and mandatory
2 provisions for the preservation, improvement, and development of
3 housing, including single-family residences; (c) identifies sufficient
4 land for housing, including, but not limited to, government-assisted
5 housing, housing for low-income families, manufactured housing,
6 multifamily housing, and group homes and foster care facilities; and
7 (d) makes adequate provisions for existing and projected needs of all
8 economic segments of the community.

9 (3) A capital facilities plan element consisting of: (a) An
10 inventory of existing capital facilities owned by public entities,
11 showing the locations and capacities of the capital facilities; (b) a
12 forecast of the future needs for such capital facilities; (c) the
13 proposed locations and capacities of expanded or new capital
14 facilities; (d) at least a six-year plan that will finance such capital
15 facilities within projected funding capacities and clearly identifies
16 sources of public money for such purposes; and (e) a requirement to
17 reassess the land use element if probable funding falls short of
18 meeting existing needs and to ensure that the land use element, capital
19 facilities plan element, and financing plan within the capital
20 facilities plan element are coordinated and consistent. Park and
21 recreation facilities shall be included in the capital facilities plan
22 element.

23 (4) A utilities element consisting of the general location,
24 proposed location, and capacity of all existing and proposed utilities,
25 including, but not limited to, electrical lines, telecommunication
26 lines, and natural gas lines.

27 (5) Rural element. Counties shall include a rural element
28 including lands that are not designated for urban growth, agriculture,
29 forest, or mineral resources. The following provisions shall apply to
30 the rural element:

31 (a) Growth management act goals and local circumstances. Because
32 circumstances vary from county to county, in establishing patterns of
33 rural densities and uses, a county may consider local circumstances,
34 but shall develop a written record explaining how the rural element
35 harmonizes the planning goals in RCW 36.70A.020 and meets the
36 requirements of this chapter.

37 (b) Rural development. The rural element shall permit rural
38 development, forestry, and agriculture in rural areas. The rural

1 element shall provide for a variety of rural densities, uses, essential
2 public facilities, and rural governmental services needed to serve the
3 permitted densities and uses. To achieve a variety of rural densities
4 and uses, counties may provide for clustering, density transfer, design
5 guidelines, conservation easements, and other innovative techniques
6 that will accommodate appropriate rural densities and uses that are not
7 characterized by urban growth and that are consistent with rural
8 character.

9 (c) Measures governing rural development. The rural element shall
10 include measures that apply to rural development and protect the rural
11 character of the area, as established by the county, by:

12 (i) Containing or otherwise controlling rural development;

13 (ii) Assuring visual compatibility of rural development with the
14 surrounding rural area;

15 (iii) Reducing the inappropriate conversion of undeveloped land
16 into sprawling, low-density development in the rural area;

17 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
18 surface water and ground water resources; and

19 (v) Protecting against conflicts with the use of agricultural,
20 forest, and mineral resource lands designated under RCW 36.70A.170.

21 (d) Limited areas of more intensive rural development. Subject to
22 the requirements of this subsection and except as otherwise
23 specifically provided in this subsection (5)(d), the rural element may
24 allow for limited areas of more intensive rural development, including
25 necessary public facilities and public services to serve the limited
26 area as follows:

27 (i) Rural development consisting of the infill, development, or
28 redevelopment of existing commercial, industrial, residential, or
29 mixed-use areas, whether characterized as shoreline development,
30 villages, hamlets, rural activity centers, or crossroads developments.

31 (A) A commercial, industrial, residential, shoreline, or mixed-use
32 area shall be subject to the requirements of (d)(iv) of this
33 subsection, but shall not be subject to the requirements of (c)(ii) and
34 (iii) of this subsection.

35 (B) Any development or redevelopment other than an industrial area
36 or an industrial use within a mixed-use area or an industrial area
37 under this subsection (5)(d)(i) must be principally designed to serve
38 the existing and projected rural population.

1 (C) Any development or redevelopment in terms of building size,
2 scale, use, or intensity shall be consistent with the character of the
3 existing areas. Development and redevelopment may include changes in
4 use from vacant land or a previously existing use so long as the new
5 use conforms to the requirements of this subsection (5);

6 (ii) The intensification of development on lots containing, or new
7 development of, small-scale recreational or tourist uses, including
8 commercial facilities to serve those recreational or tourist uses, that
9 rely on a rural location and setting, but that do not include new
10 residential development. A small-scale recreation or tourist use is
11 not required to be principally designed to serve the existing and
12 projected rural population. Public services and public facilities
13 shall be limited to those necessary to serve the recreation or tourist
14 use and shall be provided in a manner that does not permit low-density
15 sprawl, such as a connection to an existing sewer line where such
16 connection serves only the recreational or tourist use and is not
17 available to adjacent nonrecreational or nontourist use parcels;

18 (iii) The intensification of development on lots containing
19 isolated nonresidential uses or new development of isolated cottage
20 industries and isolated small-scale businesses that are not principally
21 designed to serve the existing and projected rural population and
22 nonresidential uses, but do provide job opportunities for rural
23 residents. Rural counties may allow the expansion of small-scale
24 businesses as long as those small-scale businesses conform with the
25 rural character of the area as defined by the local government
26 according to RCW 36.70A.030(14). Rural counties may also allow new
27 small-scale businesses to utilize a site previously occupied by an
28 existing business as long as the new small-scale business conforms to
29 the rural character of the area as defined by the local government
30 according to RCW 36.70A.030(14). Public services and public facilities
31 shall be limited to those necessary to serve the isolated
32 nonresidential use and shall be provided in a manner that does not
33 permit low-density sprawl;

34 (iv) A county shall adopt measures to minimize and contain the
35 existing areas or uses of more intensive rural development, as
36 appropriate, authorized under this subsection. Lands included in such
37 existing areas or uses shall not extend beyond the logical outer
38 boundary of the existing area or use, thereby allowing a new pattern of

1 low-density sprawl. Existing areas are those that are clearly
2 identifiable and contained and where there is a logical boundary
3 delineated predominately by the built environment, but that may also
4 include undeveloped lands if limited as provided in this subsection.
5 The county shall establish the logical outer boundary of an area of
6 more intensive rural development. In establishing the logical outer
7 boundary the county shall address (A) the need to preserve the
8 character of existing natural neighborhoods and communities, (B)
9 physical boundaries such as bodies of water, streets and highways, and
10 land forms and contours, (C) the prevention of abnormally irregular
11 boundaries, and (D) the ability to provide public facilities and public
12 services in a manner that does not permit low-density sprawl;

13 (v) For purposes of (d) of this subsection, an existing area or
14 existing use is one that was in existence:

15 (A) On July 1, 1990, in a county that was initially required to
16 plan under all of the provisions of this chapter;

17 (B) On the date the county adopted a resolution under RCW
18 36.70A.040(2), in a county that is planning under all of the provisions
19 of this chapter under RCW 36.70A.040(2); or

20 (C) On the date the office of financial management certifies the
21 county's population as provided in RCW 36.70A.040(5), in a county that
22 is planning under all of the provisions of this chapter pursuant to RCW
23 36.70A.040(5).

24 (e) Exception. This subsection shall not be interpreted to permit
25 in the rural area a major industrial development or a master planned
26 resort unless otherwise specifically permitted under RCW 36.70A.360 and
27 36.70A.365.

28 (6) A transportation element that implements, and is consistent
29 with, the land use element.

30 (a) The transportation element shall include the following
31 subelements:

32 (i) Land use assumptions used in estimating travel;

33 (ii) Estimated traffic impacts to state-owned transportation
34 facilities resulting from land use assumptions to assist the department
35 of transportation in monitoring the performance of state facilities, to
36 plan improvements for the facilities, and to assess the impact of land-
37 use decisions on state-owned transportation facilities;

38 (iii) Facilities and services needs, including:

1 (A) An inventory of air, water, and ground transportation
2 facilities and services, including transit alignments and general
3 aviation airport facilities, to define existing capital facilities and
4 travel levels as a basis for future planning. This inventory must
5 include state-owned transportation facilities within the city or
6 county's jurisdictional boundaries;

7 (B) Level of service standards for all locally owned arterials and
8 transit routes to serve as a gauge to judge performance of the system.
9 These standards should be regionally coordinated;

10 (C) For state-owned transportation facilities, level of service
11 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
12 to gauge the performance of the system. The purposes of reflecting
13 level of service standards for state highways in the local
14 comprehensive plan are to monitor the performance of the system, to
15 evaluate improvement strategies, and to facilitate coordination between
16 the county's or city's six-year street, road, or transit program and
17 the department of transportation's six-year investment program. The
18 concurrency requirements of (b) of this subsection do not apply to
19 transportation facilities and services of statewide significance except
20 for counties consisting of islands whose only connection to the
21 mainland are state highways or ferry routes. In these island counties,
22 state highways and ferry route capacity must be a factor in meeting the
23 concurrency requirements in (b) of this subsection;

24 (D) Specific actions and requirements for bringing into compliance
25 locally owned transportation facilities or services that are below an
26 established level of service standard;

27 (E) Forecasts of traffic for at least ten years based on the
28 adopted land use plan to provide information on the location, timing,
29 and capacity needs of future growth;

30 (F) Identification of state and local system needs to meet current
31 and future demands. Identified needs on state-owned transportation
32 facilities must be consistent with the statewide multimodal
33 transportation plan required under chapter 47.06 RCW;

34 (iv) Finance, including:

35 (A) An analysis of funding capability to judge needs against
36 probable funding resources;

37 (B) A multiyear financing plan based on the needs identified in the
38 comprehensive plan, the appropriate parts of which shall serve as the

1 basis for the six-year street, road, or transit program required by RCW
2 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
3 for public transportation systems. The multiyear financing plan should
4 be coordinated with the six-year improvement program developed by the
5 department of transportation as required by RCW 47.05.030;

6 (C) If probable funding falls short of meeting identified needs, a
7 discussion of how additional funding will be raised, or how land use
8 assumptions will be reassessed to ensure that level of service
9 standards will be met;

10 (v) Intergovernmental coordination efforts, including an assessment
11 of the impacts of the transportation plan and land use assumptions on
12 the transportation systems of adjacent jurisdictions;

13 (vi) Demand-management strategies.

14 (b) After adoption of the comprehensive plan by jurisdictions
15 required to plan or who choose to plan under RCW 36.70A.040, local
16 jurisdictions must adopt and enforce ordinances which prohibit
17 development approval if the development causes the level of service on
18 a locally owned transportation facility to decline below the standards
19 adopted in the transportation element of the comprehensive plan, unless
20 transportation improvements or strategies to accommodate the impacts of
21 development are made concurrent with the development. These strategies
22 may include increased public transportation service, ride sharing
23 programs, demand management, and other transportation systems
24 management strategies. For the purposes of this subsection (6)
25 "concurrent with the development" shall mean that improvements or
26 strategies are in place at the time of development, or that a financial
27 commitment is in place to complete the improvements or strategies
28 within six years.

29 (c) The transportation element described in this subsection (6),
30 and the six-year plans required by RCW 35.77.010 for cities, RCW
31 36.81.121 for counties, RCW 35.58.2795 for public transportation
32 systems, and RCW 47.05.030 for the state, must be consistent.

33 (7) An economic development element establishing local goals,
34 policies, objectives, and provisions for economic growth and vitality
35 and a high quality of life. The element shall include: (a) A summary
36 of the local economy such as population, employment, payroll, sectors,
37 businesses, sales, and other information as appropriate; (b) a summary
38 of the strengths and weaknesses of the local economy defined as the

1 commercial and industrial sectors and supporting factors such as land
2 use, transportation, utilities, education, work force, housing, and
3 natural/cultural resources; and (c) an identification of policies,
4 programs, and projects to foster economic growth and development and to
5 address future needs. A city that has chosen to be a residential
6 community is exempt from the economic development element requirement
7 of this subsection.

8 (8) A park and recreation element that implements, and is
9 consistent with, the capital facilities plan element as it relates to
10 park and recreation facilities. The element shall include: (a)
11 Estimates of park and recreation demand for at least a ten-year period;
12 (b) an evaluation of facilities and service needs; and (c) an
13 evaluation of intergovernmental coordination opportunities to provide
14 regional approaches for meeting park and recreational demand.

15 (9) It is the intent that new or amended elements required after
16 January 1, 2002, be adopted concurrent with the scheduled update
17 provided in RCW 36.70A.130. Requirements to incorporate any such new
18 or amended elements shall be null and void until funds sufficient to
19 cover applicable local government costs are appropriated and
20 distributed by the state at least two years before local government
21 must update comprehensive plans as required in RCW 36.70A.130.

22 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 immediately.

26 NEW SECTION. **Sec. 3.** Section 1 of this act expires August 31,
27 2005."

28 Correct the title.

--- END ---